

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DIGNA RUIZ, On Behalf Of herself And All
Others Similarly Situated,

Plaintiff,

V.

CITIBANK, N.A.,

Defendant.

FREDRICK L. WINFIELD, ZULMA G.
MUNIZ, JAMES STEFFENSEN and
ADORAM SHEN, Individually And On Behalf
Of All Others Similarly Situated,

Plaintiffs,

V.

CITIBANK, N.A.,

Defendant.

§
§ **Case No.: 10-cv-5950 (JGK)(RLE)**

§ Case No.: 10-cv-7304 (JGK)(RLE)

JOINT STATUS REPORT

Pursuant to the Court’s directive at the conference conducted on August 30, 2012, the parties in the above-captioned actions (the “Parties”) respectfully submit this Joint Status Report to the Court:

1) On September 13, 2012, Plaintiffs proposed to Defendant the creation of a sample group of 30 of the Opt-In Plaintiffs for the conduct of discovery with respect to issues relevant to certification of these actions as a collective action, as well as issues relevant to our anticipated

motions for class certification pursuant to Fed. R. Civ. P. 23 (“Stage 1 Discovery”). Plaintiffs further proposed that Plaintiffs shall designate 15 of the Opt-In Plaintiffs and that Defendant designate 15 of the Opt-In Plaintiffs for that sample group. Plaintiffs also indicated that they are amenable to meeting and conferring about the size of, or the process utilized to select, the sample group used in this stage of discovery. That proposal is presently under consideration by Citibank.

2) The Parties conducted a telephonic meet and confer on September 11, 2012 concerning Plaintiffs’ outstanding request for the production of emails as part of Stage 1 Discovery. Plaintiffs proposed that Citibank produce emails from the Branch Managers, Area Directors and Division Directors for the sample set of Opt-In Plaintiffs utilizing mutually agreed upon search terms. Citibank believes that no additional email discovery is appropriate beyond the extensive email sampling previously ordered by Judge Katz and conducted by the parties, but will consider and respond to Plaintiffs’ latest proposal after an agreement is reached as to the scope of sampling from the Opt-in Plaintiffs for this phase of discovery. If the Parties are unable to reach an agreement concerning the production of emails within the next 30 days, Plaintiffs shall notify the Court.

3) Plaintiffs are presently contemplating amending the pleadings in connection with their anticipated motion for class certification pursuant to Rule 23 of the Federal Rules of Civil Procedure. Any such amended pleading would allege violations of state law for those states not presently identified in either of the above-captioned actions, in which Defendant maintained branches where violations of state law governing the payment of overtime allegedly occurred. Citibank does not believe any further amendments are appropriate as the case is over two years

old and any further amendment at this point would be prejudicial to Citibank.

Dated: September 14, 2012

Respectfully submitted,

**POMERANTZ HAUDEK
GROSSMAN & GROSS, LLP**

By: /s/ Murielle J. Steven Walsh

Murielle J. Steven Walsh

Marie L. Oliver

600 Third Avenue

New York, NY 10016

Telephone: (212) 661-1100

Facsimile: (212) 661-8665

Email: mjsteven@pomlaw.com

Email: mloliver@pomlaw.com

Attorneys for Plaintiff Digna Ruiz

RIGRODSKY & LONG, P.A.

By: /s/ Timothy J. MacFall

Timothy J. MacFall

825 East Gate Boulevard, Suite 300

Garden City, NY 11530

Telephone (516) 683-3516

Email: tjm@rigrodskylong.com

-and-

Seth D. Rigrodsky

Brian D. Long

919 North Market Street, Suite 980

Wilmington, DE 19801

Telephone: (302) 295-5310

Facsimile: (302) 654-7530

Email: sdr@rigrodskylong.com

Email: bdl@rigrodskylong.com

EGLESTON LAW FIRM

By: /s/ Gregory M. Egleston
Gregory M. Egleston
440 Park Avenue South, 5th Floor
New York, NY 10016
Email: egleston@gme-law.com

***Attorneys for Plaintiffs Fredrick L. Winfield,
Zulma G. Muniz, James Steffensen and Adoram
Shen***

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Thomas A. Linthorst
Sam S. Shaulson (SS-0460)
Thomas A. Linthorst (TL-3345)
101 Park Avenue
New York, NY 10178
212.309.6000
212.309.6001 (fax)
Attorneys for Defendant
sshaulson@morganlewis.com
tlinthorst@morganlewis.com